

James Nishida, Jr.
Chair

Jan TenBruggencate
Vice-Chair



Members:
Mary Lou Barela
Joel Guy
Ed Justus
Patrick Stack
Carol Suzawa

Amendments to the Charter of the County of Kaua'i

1. Proposing A Charter Amendment to Article XV Relating to the Department of Personnel Services.

Charter Amendment.

Article XV of the Kaua'i County Charter is amended to read as follows:

ARTICLE XV

[DEPARTMENT OF PERSONNEL SERVICES] DEPARTMENT OF HUMAN RESOURCES

Section 15.01. Organization. There shall be a department of [personnel services] human resources consisting of a civil service commission, a director and the necessary staff for the purpose of establishing a system of personnel administration based upon merit principles devoid of any bias or prejudice, and [providing a systematic and equitable classification of all positions through adequate job evaluation] generally accepted methods governing classification of positions and the employment, conduct, movement, and separation of public officers and employees.

Section 15.02. Civil Service Commission Organization. The civil service commission shall consist of seven members who shall be in sympathy with and who shall believe in the principles of the merit system in public employment. Of the members appointed, one shall be selected from among persons employed in private industry in either skilled or unskilled laboring positions as distinguished from executive or professional positions. (Amended 2006)

Section 15.03. Powers and Duties. The civil service commission shall:

A. Adopt rules and regulations to carry out the civil service and compensation laws of the State and county. Such rules and regulations shall distinguish between matters of policy left for the determination of the commission and matters of technique and administration to be left for execution by the director.

B. Hear and determine appeals made by any officer or employee aggrieved by any action of the director or by any appointing authority. Appeal from the decision of the commission shall be as provided by law.

C. Advise the mayor and director of personnel services on problems concerning personnel and classification administration.

D. Execute such powers and duties as may be provided by law.

Section 15.04. ~~[Director of Personnel Services]~~ Director of Human Resources. The director of ~~[personnel services]~~ human resources shall have had a minimum of five years of training and experience in personnel administration either in public service or private business, or both, at least three years of which shall have been in a responsible administrative capacity and shall be in sympathy with the principles of the merit system. ~~[He]~~ The director shall be appointed and may be removed by the commission. The director shall be the head of the department of ~~[personnel services]~~ human resources and shall be responsible for the proper conduct of all administrative affairs of the department, and for the execution of the ~~[personnel]~~ human resources management program prescribed in this charter and in the ordinances and regulations authorized by this charter.

Section 15.05. [Civil Service and Exemptions]. All positions in the county, except those exempted by law, shall be under civil service.] Human Resources Management Program. The director of human resources shall be responsible for the execution of the human resources management program which shall include:

A. Classification, recruitment, selection, employment, deployment, promotion, evaluation, discipline, and separation of employees.

B. Labor relations and negotiations.

C. Administration of employment policies and trainings related to employee benefits, conduct, development, and safety and injury prevention.

D. Workers' compensation.

E. Equal employment opportunities,

F. Workforce coordination and planning.

G. Administration of the civil service system as prescribed by statute.

H. Other related duties as may be determined by the Mayor."

Note: Charter material to be repealed is bracketed. New charter material is underscored.

Ballot Question:

Shall the Department of Personnel Services be changed to the Department of Human Resources, with additional human resources functions?

2. Proposing a Charter Amendment to Article XXIV Relating to Charter Amendment.

Charter Amendment.

Article XXIV of the Kaua‘i County Charter is amended to read as follows:

**ARTICLE XXIV
CHARTER AMENDMENT**

Section 24.01. Initiation of Amendments. Amendments to this charter may be initiated only in the following manner:

A. By resolution of the council adopted after two readings on separate days and passed by a vote of five or more members of the council.

B. By petition presented to the council, signed by registered voters comprising not less than five percent of the number of voters registered in the last general election, setting forth the proposed amendments. Such petitions shall designate and authorize not less than three nor more than five of the signers thereto to approve any alteration or change in the form or language or any restatement of the text of the proposed amendments which may be made by the county attorney.

Upon filing of such petition with the council, the county clerk shall examine it to see whether it contains a sufficient number of valid signatures of registered voters.

Section 24.02. Elections to be Called.

A. Any resolution of the council or petition of the voters proposing amendments to the charter shall provide that the proposed amendments shall be submitted to the voters of the county at the next general election.

B. The county clerk shall have summaries of the proposed amendments published in a newspaper of general circulation in the county and the entire text published by electronic or online publication on the official website of the County of Kauai at least thirty (30) days prior to submission of the proposed amendments to the voters of the county at the next general election.

C. Should the majority of the voters voting thereon approve the proposed amendments to this charter, the amendments shall become effective at the time fixed in the amendment, or, if no time is fixed therein, thirty (30) days after its adoption by the voters of the county. [Any] Summaries of any charter amendment shall be published in a newspaper of general circulation in the county and the entire text published by electronic or online publication on the official website of the County of Kauai within thirty (30) days of the effective date of such amendment.

Section 24.03. Charter Review.

The mayor with the approval of the council shall appoint, with appropriate staffing, a charter commission composed of seven members who shall serve in accordance with Section 23.02C of this Charter to study and review the operation of the county government under this charter for a period of ten years commencing in 2007. Thereafter, the mayor with the approval of the council shall appoint a charter commission at ten year intervals. In the event the commission deems

changes are necessary or desirable, the commission may propose amendments to the existing charter or draft a new charter which shall be submitted to the county clerk. The county clerk shall provide for the submission of such amendments or new charter to the voters at any general or special election as may be determined by the commission. The commission shall publish summaries of any such amendments or new charter not less than thirty (30) days before any election at least once in a newspaper of general circulation within the county and the entire text of the amendments or new charter by electronic or online publication on the official website of the County of Kauai.

A. Unless a new charter is submitted to the voters, each amendment to the charter shall be voted on separately.

B. If a majority of the voters voting upon a charter amendment votes in favor of it or a new charter, if a new charter is proposed, the amendment or new charter shall become effective at the time fixed in the amendment or charter, or if no time is fixed, thirty (30) days after its adoption by the voters. [Any] Summaries of any new charter or amendment shall be published [in its entirety] in a newspaper of general circulation within the county, and the entire text published by electronic or online publication on the official website of the County of Kauai not more than thirty (30) days after its adoption.

Note: Charter material to be repealed is bracketed. New charter material is underscored.

Ballot Question.

Should the county be allowed to publish summaries of charter amendments or a new charter in a newspaper of general circulation and the entire text on the official website of the County of Kauai?

3. Proposing An Amendment to Charter Section 27.07 Relating to Recall Ballots

Charter Amendment.

Article XXVII, Section 27.07 of the Kaua'i County Charter is amended to read as follows:

**ARTICLE XXVII
RECALL**

Section 27.07. Ballots. The ballots at such recall election shall, with respect to each person whose removal is sought, submit the question: "Shall (name of person) be removed from the office of (name of office) by recall?" Immediately following each such question, there shall be printed on the ballots the two propositions in the order set forth: "For the recall of (name of person)." "Against the recall of (name of person)." Immediately next to the [right of the] proposition there shall be designated spaces in which to mark the ballot FOR or AGAINST the recall. A majority vote shall be sufficient to recall such officer, subject to the provisions of Section 27.06 of this article.

Note: Charter material to be repealed is bracketed. New charter material is underscored.

Ballot Question.

Shall Charter section 27.07 regarding recall ballots be amended to comply with State law and to meet voting system requirements?